

# Notice of Allowability

Application No.

09/765,369

Examiner

Justin P. Misleh

Applicant(s)

KANAMORI ET AL.

Art Unit

2622

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed June 7, 2007.
2. ☒ The allowed claim(s) is/are 1 - 4, 7 - 9, 41, 43 - 49, 51 - 62, 65, 66, and 69.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

  
LIN YE  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's Amendment was given in a telephone interview with Dion R. Ferguson on August 16, 2007.
3. The application has been amended as follows:

### CLAIMS

- **Claim 1** – Please **DELETE** and **REPLACE** the following:

“An input unit disposed on an apparatus having a plurality of operation modes selectable by a user, for inputting the user's instruction to the apparatus, comprising:

a display part for presenting a plurality of functions corresponding to the operation mode selected by the user, the plurality of functions being different in accordance with the operation mode selected by the user;

an instruction input unit arranged in surroundings of said display part, for selecting a function among the plurality of functions when the user presses and displaces a first face thereof including a display screen of said display part;

a switch pressing unit provided in the vicinity of an outer periphery of a rear face of said first face, said switch pressing unit being capable of being displaced in accordance with the displacement of the instruction input unit; and

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a switch part arranged to work by being pressed by said switch pressing unit, said switch part comprising a plurality of switches, wherein

each switch corresponds to at least one function of the plurality of functions;

said display part displays information related to the operation mode of the apparatus and plural pieces of information indicating the functions of the switches on an area provided in the vicinity of each switch, and

the information related to the operation mode and the plural pieces of information indicating the functions of the switches are changed in response to the operation mode selected by the user.”

- **Claim 9** – Please **DELETE** and **REPLACE** the following:

“A digital camera, comprising:

an image capturing unit;

a controlling unit that controls the image capturing unit;

a processing circuit that processes signals from the image capturing unit;

a display unit; and

an operating unit that accepts user input and includes an input unit disposed on the digital camera having a plurality of operation modes selectable by a user, for inputting the user’s instruction to the digital camera,

said input unit comprising:

a display part for presenting a plurality of functions corresponding to the operation mode selected by the user, the plurality of functions being different in accordance with the operation mode selected by the user;

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an instruction input unit arranged in surroundings of said display part, for selecting a function among the plurality of functions when the user presses and displaces a first face thereof including a display screen of said display part;

a switch pressing unit provided in the vicinity of an outer periphery of a rear face of said first face, said switch pressing unit being displaced in accordance with the displacement of the instruction input unit; and

a switch part arranged to work by being pressed by said switch pressing unit, said switch part comprising a plurality of switches, wherein

each switch corresponds to at least one function of the plurality of functions;

said display part displays information related to the operation mode of the digital camera and plural pieces of information indicating the functions of the switches on an area provided in the vicinity of each switch, and

the information related to the operation mode and the plural pieces of information indicating the functions of the switches are changed in response to the operation mode selected by the user.”

- **Claims 10-40** – Please **DELETE** these claims.

- **Claim 41** – Please **DELETE** and **REPLACE** the following:

“A capturing apparatus having a plurality of operation modes selectable by a user, comprising:

an image capturing unit that captures an image; and

an input unit disposed on the apparatus, said input unit inputting the user’s instruction to the apparatus to make said image capturing unit capture the image,

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said input unit comprising:

a display part for presenting a plurality of functions corresponding to the operation mode selected by the user, the plurality of functions being different in accordance with the operation mode selected by the user; and

a switch unit arranged in surroundings of said display art, for selecting a function among the plurality of functions, said switch unit comprising a plurality of buttons, wherein

each button corresponds to at least one function of the plurality of functions;

a height of a button of the plurality of buttons disposed on an upper side of said switch unit is lower than that of a button of the plurality of buttons disposed on a lower side of said switch unit,

said display part displays information related to the operation mode of the apparatus and plural pieces of information indicating the functions of the buttons on an area provided in the vicinity of each button, and

the information related to the operation mode and the plural pieces of information indicating the functions of the buttons are changed in response to the operation mode selected by the user.”

- **Claim 52** – Please **DELETE** and **REPLACE** the following:

“A capturing apparatus having a plurality of operation modes selectable by a user, comprising:

an image capturing unit that captures an image; and

an input unit disposed on the apparatus, said input unit inputting the user’s instruction to the apparatus to make said image capturing unit capture the image,

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said input unit comprising:

a first display unit for presenting a plurality of functions corresponding to the operation mode selected by the user, the plurality of functions being different in accordance with the operation mode selected by the user; and

a switch unit arranged in surroundings of said first display unit, for selecting a function among the plurality of functions, said switch unit comprising a plurality of buttons, and

said capturing apparatus further comprising a second display unit disposed separately from the first display unit on a different place on the capturing apparatus, for presenting the same plurality of functions as those presented on the first display unit, wherein

each button corresponds to at least one function of the plurality of functions;

the first and second display units respectively display first and second display information related to the operation mode of the apparatus and plural pieces of information indicating the functions of the buttons on an area provided in the vicinity of each button, and

the information related to the operation mode and the plural pieces of information indicating the functions of the buttons are changed in response to the operation mode selected by the user.”

#### ***Terminal Disclaimer***

4. The terminal disclaimer filed on June 8, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 7,061,535 has been reviewed and is accepted. The terminal disclaimer has been recorded.

*Allowable Subject Matter*

5. **Claims 1 – 4, 7 – 9, 41, 43 – 49, 51 – 62, 65, 66, and 69 (now respectively renumbered 1, 2, 4, 5, 6 – 17, 19 – 30, 3, and 18) are allowed.**

6. The following is an examiner's statement of reasons for allowance:

The closest prior art teaches an image capturing unit, a controlling unit that controls the image capturing unit, a processing circuit that processes signals from the image capturing unit, a display unit, and an operating unit that accepts user input and includes an input unit, said input unit comprising: an instruction input unit, a posture of said instruction input unit capable of being displaced by a pressure applied to a first face thereof, a switch pressing unit provided in the vicinity of an outer periphery of a face other than said first face of said instruction input unit, said switch pressing unit being capable of being displaced in accordance with the displacement of the instruction input unit, a switch part arranged to work by being pressed by said switch pressing unit, said switch part comprising a plurality of switches and wherein an instruction input unit that includes a display part, wherein the display part displays information related to an operation state of an apparatus used together with the input unit.

However, the closest prior art does not teach or fairly suggest wherein each switch corresponds to at least one function of the plurality of functions; said display part displays information related to the operation mode of the digital camera and plural pieces of information indicating the functions of the switches on an area provided in the vicinity of each switch, and the information related to the operation mode and the plural pieces of information indicating the functions of the switches are changed in response to the operation mode selected by the user.

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7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Election/Restrictions***

8. **Claims 1, 41, and 52** are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04, **Claims 8, 43 – 47, 49, 54, and 57 – 62** previously withdrawn from consideration as a result of a restriction requirement, **are hereby rejoined and fully examined** for patentability under 37 CFR 1.104.

9. Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on November 2, 2004 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, Applicants are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.



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***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lin Ye can be reached on 571.272.7372. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM  
August 16, 2007

  
LIN YE  
SUPERVISORY PATENT EXAMINER